

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

	X	
ALBERT GREENHOUSE,	:	
	:	
Plaintiff,	:	
	:	
v.	:	1:23-cv-09754-DEH
WEBSITE SYMMETRY; VIDEO	:	
SYMMETRY; LOGO SYMMETRY;	:	ORDER RE:
BLITZ DESIGN, INC.; 360 ART	:	SUBSTITUTED SERVICE
STUDIO, INC.; EVRIMA	:	ON BLITZ DESIGN, INC.
CHICAGO LLC; GHOSTWRITING	:	VIA THE CALIFORNIA
UNIVERSE; AMY CONNOR;	:	SECRETARY OF STATE
NICK FISHER; JASON	:	
PARKER; and SETH MILES,	:	
	:	
Defendants.	:	
	X	

On November 26, 2024, the plaintiff, Albert Greenhouse (“Greenhouse”) moved this Court [Dkt. 50] for an order permitting substitute service on the defendant, Blitz Design, Inc. (“Blitz”) *via* the California Secretary of State (“SoS”).

In support of that motion, Greenhouse submitted a copy of a printout from the SoS’s website showing that the registered agent for service on Blitz is one Seemi Munir, whose stated address is 44288 Fremont Blvd. Fremont, CA 94538 [Dkt. 50-1]. Greenhouse further submitted an Affidavit of Nonservice on Blitz [Dkt. 50-2], in which the process server who attempted service on Blitz at the stated address went to that address and determined that it was a vacant lot.

On November 27, the Court issued an Order granting that motion [Dkt. 51], and directing Greenhouse to file a Proposed Order effectuating that grant.

Under California law, California Corporate Code § 1702(a):

If an agent for the purpose of service of process ... cannot with reasonable diligence be found at the address designated for personally delivering the process,... and it is shown by affidavit to the satisfaction of the court that process against a domestic corporation cannot be served with reasonable diligence upon the designated agent by hand in the manner provided in Section 415.10 [by hand on a natural person], subdivision (a) of Section 415.20 [leaving a copy at the address and mailing a copy to that address] or subdivision (a) of Section 415.30 [mailing a copy] of the Code of Civil Procedure or upon the corporation in the manner provided in subdivision (a), (b), or (c) of Section 416.10 [delivery to the registered agent or an officer of the corporation] or subdivision (a) of Section 416.20 [relating to service on dissolved corporation or one which has forfeited its charter] of the Code of Civil Procedure, the court may make an order that the service be made upon the corporation by delivering by hand to the Secretary of State, or to any person employed in the Secretary of State's office in the capacity of assistant or deputy, one copy of the process for each defendant to be served, together with a copy of the order authorizing such service.

Here, Greenhouse has shown that the SoS official records state that the agent for service appointed by Blitz is one Seemi Munir, having an address of 44288 Fremont Blvd. Fremont, CA 94538. Greenhouse's process server visited that address and found it to be a vacant lot, rendering service at that address impossible.

Accordingly, since there has been a showing of reasonable diligence on the part of Greenhouse to effect service, and that service has not been possible, the Court finds that the requirements of Cal.Corp.Code § 1702(a) have been met and the application for substitute service is hereby

GRANTED. Greenhouse is hereby authorized to serve the Summons with Amended Complaint on Blitz through the provisions of Cal.Corp.Code § 1702(a) *via* hand service on the

California Secretary of State, or to any person employed in the Secretary of State's office in the capacity of assistant or deputy.

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Dale Ho', is written over a horizontal line.

Hon. Dale E. Ho
United States District Judge

Dated: December 2, 2024
New York, New York